

Notice of Allowability

Application No.

09/582,122

Examiner

Steven B. McAllister

Applicant(s)

ACH, ERNST

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment of 2/7/2005.
2. ☒ The allowed claim(s) is/are 8, 10-19 and 22.
3. ☒ The drawings filed on 22 June 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

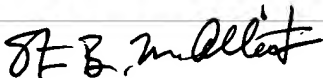
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



STEVE B. MCALLISTER
PRIMARY EXAMINER

Steven B. McAllister
Primary Examiner
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REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The closest art in the case is WO98/18709, hereinafter '709; JP 4-50297, hereinafter '297; and EP0686594, hereinafter '594.

'709 shows all elements of independent claim 8 except that the first and second guides are "discontinuously connected in vertical and horizontal directions of the guides"; an engine mount mounted to the first and second guides; and a pair of guide elements attached to the elevator cage which are movable above and below the engine mount. The discontinuity of the guides is taught by Hein (5,944,144).

While it is not clear from the drawings of the text of '709, it can be argued that the engine mount mounted to the first and second guides is shown in Fig. 5 of that reference. It shows a horizontal rectangle, believed to be the engine mount, near the top of the guide rails. Since no other attachment is shown, it can probably be reasonably inferred that the mount is attached to the rails. However, even assuming that this is the case, the final element is not shown.

'709 does not appear to show guide elements attached to the cage which are movable above and below the engine mount. While the details of the engine mount are unclear (Fig. 5 shows it only sketchily and Fig. 6 does not show it at all), the best inference that can be drawn is that the mount is mounted to guide rails 4, 5 and extends from one set of guide rails 4,5 to the other set of guide rails 4,5. As such, it is apparent from Fig. 5 that the guides 9 could not travel above the mount since it blocks the path. A further suggestion that this is true is that the guide elements 8,9 have been moved

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down relative to the cage, with a unique structure 7 built to support the lower guide elements 8. This allows the car to reach a higher height in the shaft without increasing the overall height of the shaft. At any rate, even if it were to be argued that the engine mount could be built with a structure to all the guide elements to pass, since the reference is silent on this point, it would not be proper to assert this structure.

'297 shows a very similar structure to that in '709. In '297, the engine mount is shown somewhat more concretely and it is clear from the figures that its configuration does not allow all the guide elements to pass and travel above the mount.

'594 is a potential teaching reference to show a motor mount which arguably would allow the guide elements to pass above the mount. Fig. 6 shows an engine mount 62 mounted to a pair of guide rails 60 via bracket 64.

However, '594 does not show that the mount is mounted to a first and second sets of guides, wherein the sets of guides are spaced apart in parallel planes, as shown in the present invention. In '594, both sets of guides are arranged in the same plane, as shown in Fig. 2. It would appear that the bracket 64 would have to be impermissibly modified to allow mounting across both sets of guides of '709.

Also, the mount of '594 is configured to provide for mounting the motor vertically, instead of horizontally as in the case of '709 (see the dashed representation of the motor and mount in Fig. 4).

For these reasons, combination of the two references would not properly show the claimed invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose

telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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